

AMENDED IN ASSEMBLY MARCH 16, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 394

Introduced by Assembly Member Silva

February 14, 2011

An act to add Chapter 0.5 (commencing with Section 1170) to Part 4 of Division 2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL’S DIGEST

AB 394, as amended, Silva. Employment regulation: volunteers.

Existing law prescribes wages, hours, and working conditions for all employees in the state, not including any individual employed as an outside salesman or participating in a national service program, as specified. Existing law provides a system for the imposition of criminal and civil sanctions against a person violating statutes and regulations of the state relating to the employment of minors, as defined, in various activities and occupations. Existing law prescribes the maximum number of hours per day and per week that an employer may employ a minor.

This bill would exempt an individual who renders services as a volunteer from those provisions. The bill would define the term “volunteer” for those purposes as an individual who, without promise or expectation of compensation, but solely for his or her personal purpose or pleasure, performs work for an organization that is exempt from taxation pursuant to a specified provision of federal law *or for a resource conservation district formed pursuant to specified state statutory provisions*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 0.5 (commencing with Section 1170) is added to Part 4 of Division 2 of the Labor Code, to read:

CHAPTER 0.5. GENERAL PROVISIONS

1170. (a) This part does not apply to an individual who renders services as a volunteer.

(b) For purposes of this part, “volunteer” means an individual who, without promise or expectation of compensation, but solely for his or her personal purpose or pleasure, performs work for an organization that is exempt from taxation pursuant to Section 501(c) of the United States Internal Revenue Code (26 U.S.C. Sec. ~~501(e)~~; 501(c)) or for a resource conservation district formed pursuant to Division 9 (commencing with Section 9001) of the Public Resources Code.